

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:08CR439 RWS
)
LeQUINTON TYMEL GIBBS,)
)
Defendant.)

ORDER

This matter is before the Court on defendant LeQuinton Tymel Gibbs' motion to suppress evidence [#25-oral motion] and the motion of the government for a determination of the admissibility of arguable suppressible evidence [#25-oral motion].

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge David D. Noce. On December 2, 2008, Judge Noce held an evidentiary hearing and filed his Report and Recommendation regarding the motions. No objection to the Magistrate Judge's recommendations were filed.

After fully considering the motions and the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of Judge Noce set forth in support of his recommended rulings.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#52] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant LeQuinton Tymel Gibbs' motion to suppress evidence [#25-oral motion], and the motion of the government for a determination of the admissibility of arguable suppressible evidence [#25-oral motion] are denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 12th day of February, 2009.